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LETTER DATED 7 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In view of the forthcoming consideration by the Security Council of the United Nations Mission of Observers in Prevlaka (UNMOP), I must express the position of the Republic of Croatia vis-à-vis the resolution of the security issue of Prevlaka once again. The intent of this letter is not to enter into a protracted debate on the veracity of the arguments recently presented in a letter by Momir Bulatović, President of the Federal Government of the Federal Republic of Yugoslavia (S/1998/1225), which can readily be rebuffed by cursory reference to relevant documents, including those of the Security Council. Rather, it is to demonstrate that the Federal Republic of Yugoslavia has not given up its territorial pretensions towards Croatia and that it is not willing to meaningfully engage in bilateral negotiations. This type of misuse of the UNMOP mandate requires energetic reaction on the part of the Security Council.

In sharp contrast to the provisions of Security Council resolutions 1147 (1998) and 1183 (1998), the Federal Republic of Yugoslavia continued with its practice of obstructing and prolonging negotiations (see annex). Even following the establishment of a Joint Commission concerning Prevlaka it took six months and three rounds of negotiations for the Federal Republic of Yugoslavia to state its real position. Now that it has, on the eve of Security Council deliberations concerning the UNMOP mandate, it is evident that its position reflects a disrespect for the territorial integrity and international borders of the Republic of Croatia and Security Council resolution 1183 (1998), which explicitly reconfirms them. Clearly, the Federal Republic of Yugoslavia is not ready to enter into serious negotiations on a mutually acceptable security arrangement for Prevlaka without impetus.

The letter from Mr. Bulatović and the memorandum attached dispel any doubt about the position of the Federal Republic of Yugoslavia not to recognize the international borders of the Republic of Croatia. Hence, the claim by the Federal Republic of Yugoslavia of their de facto control over Prevlaka amounts to nothing more than a request for a change of the existing international border, a ploy which Croatia is not prepared to consider.

The Security Council is well aware that the borders of former republics of the former Socialist Federal Republic of Yugoslavia were clearly established and

known to all. The Arbitration Commission of the European Community/United Nations Conference on the Former Yugoslavia and the decisions of Security Council reconfirmed those borders as the international borders of newly independent States.

Reflecting this understanding, the Vance plan (see S/23280, annex III) called for the demilitarization of the United Nations Protected Areas in Croatia, as well as for all Yugoslav National Army (JNA) forces deployed elsewhere *in Croatia* to be relocated outside that republic (emphasis added). Subsequently, the Croatian President, Franjo Tudman, and Yugoslav President, Dobrica Ćosić, signed in Geneva, on 30 September 1992, a Joint Declaration (S/24476, annex), agreeing that the Yugoslav Army would leave Prevlaka by 20 October 1992 in accordance with the Vance Plan. They further agreed that the overall security of Dubrovnik and Boka Kotorska would be resolved through subsequent negotiations. The Security Council welcomed the Joint Declaration in its resolutions 779 (1992) and 1038 (1996), which established and authorized deployment of the United Nations observers on Prevlaka, and ever since has deliberated on this issue under the agenda item entitled "The situation in Croatia". Pursuant to the commitment contained in the Joint Declaration, the Republic of Croatia and the Federal Republic of Yugoslavia included the security issue of Prevlaka in their Agreement on Normalization of Relations (A/51/351-S/1996/744, annex).

Following six Security Council resolutions dealing exclusively with Prevlaka and six extensions of the UNMOP mandate the record suggests that the continuation of the UNMOP mandate without decisive impetus from the Security Council will be pointless. The Republic of Croatia, therefore, appeals to the Security Council to provide the much-needed incentive.

Alternatively, the Security Council may witness further needless use of the resources of the United Nations, in the light of the fact that the situation in Prevlaka represents neither a threat to international peace and security nor a source of concern, let alone "psychosis of fear among the local population". The alleged fear of the population of Boka Kotorska Bay of the Republic of Croatia referred to in the memorandum attached to the letter from Mr. Bulatović contradicts the publicly expressed desire of the Montenegrin leadership that the border crossing points in the area of Prevlaka should be opened permanently. Furthermore, the withdrawal of Montenegrin Government-appointed representatives from the Yugoslav negotiating team is a direct result of the refusal of the federal authorities of the Federal Republic of Yugoslavia to accept the opening of border crossing points with the Republic of Croatia in the area of Prevlaka. While Croatia's unilateral opening of the border crossing points Debeli Brijeg and Konfin in the area of Prevlaka for the All Saints and Christmas holiday season was welcomed by the population and leadership of Montenegro, the federal authorities of the Federal Republic of Yugoslavia formally protested this act, and in that manner clearly indicated where the problem lay. Croatia firmly believes that the opening of the border crossing points Debeli Brijeg and Konfin is beneficial not only for the local population on both sides of the border, but also positively reflects on confidence-building and regional stability.

Consequently, the Republic of Croatia hopes that the Security Council will recognize that it is imperative to prevent UNMOP from being used by the Federal

Republic of Yugoslavia authorities as a mechanism for postponing full reintegration of the last part of Croatian territory following its occupation. The Security Council should clearly and unequivocally state that Prevlaka is an integral part of the Republic of Croatia and that it will not tolerate territorial pretensions and the disrespect of international borders. By modifying the mandate of the UNMOP - by reducing the number of observers and indicating an impending end to the mandate, and thereby releasing United Nations resources to areas of more pressing concern - the Security Council should press the Federal Republic of Yugoslavia to engage in constructive negotiations.

I should like to ask your assistance in circulating the present letter as a document of the Security Council.

(Signed) Ivan ŠIMONOVIĆ
Permanent Representative

Annex

Letter dated 9 December 1998 from the Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia addressed to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia

I should like to express my regret that negotiations towards finding a permanent solution to the Prevlaka issue have not intensified, as was agreed during our meetings in Zagreb and New York.

At the meeting of the Commission of our two States held in Belgrade on 9 October 1998, it was agreed and publicly announced that a third meeting was to be held in Zagreb in November 1998, even though the Croatian delegation on that occasion proposed the continuation of negotiations in two weeks.

I personally proposed the dates 30 October or 7 and 8 November 1998 to the Ambassador of the Federal Republic of Yugoslavia to the Republic of Croatia as the dates for the third meeting.

It is with regret that I must affirm that in spite of all these proposals we still have not received a positive reply regarding the arrival of the delegation of the Federal Republic of Yugoslavia or a reply to the proposal of upgrading the level of political representation of the delegations, the aim of which is to ensure the expeditious attainment of a permanent solution.

Nevertheless, it is with satisfaction that I can affirm that not one serious problem has been reported in the southern border area between our two States during the past period. Similarly, the opening of border crossing points at that part of our common border on the occasion of religious holidays was very positively received, above all by the residents on both sides of the border.

Taking into consideration that the mandate of the United Nations Mission of Observers on Prevlaka expires on 15 January 1999, I request once again that you urgently propose the time and date (up to 25 December 1998) of the arrival of the delegation of the Federal Republic of Yugoslavia for the third meeting of the Commission of our two States to be held in Zagreb.

Furthermore, I kindly request that, in the spirit of the Agreement on the Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, you seriously consider ways to accelerate the negotiations with the aim of reaching a permanent solution to the Prevlaka issue as soon as possible.

Dr. Mate GRANIĆ